

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENSINGTON INTERNATIONAL, LIMITED,

Plaintiff,

-against-

SOCIETE NATIONALE DES PETROLES DU  
CONGO, BRUNO JEAN-RICHARD ITOUA,  
BNP PARIBAS S.A.,

Defendant.

**ECF CASE**

**Declaration of Jascha D. Preuss**

05 CV 5101 (LAP)

Pursuant to 28 U.S.C. §1746, Jascha D. Preuss hereby declares as follows:

1. I am an attorney associated with the law firm of Thelen Reid & Priest LLP, counsel for defendant Bruno Jean-Richard Itoua in this action. I submit this declaration in support of defendant Itoua's motion to dismiss the complaint.

2. Attached to this declaration as Exhibit A is a true copy of the "Proof of Service" declaration of Ross L. Hirsch, counsel for Plaintiff, dated September 21, 2005, and Exhibits A and B thereto.

3. Attached to this declaration as Exhibit B is a true copy of a statement pursuant to Local Civil Rule 26.1 of the Southern District of New York by Kensington International Limited, dated October 29, 2003, submitted to this Court in the matter of *Kensington International Limited v. Republic of Congo*, 03 Civ. 4578 (LAP).

4. Attached to this declaration as Exhibit C is a true copy of the opinion by Justice Richard B. Lowe III, dated January 11, 2005 in the matter of *Kensington International Limited v. BNP Paribas S.A.*, Index No. 602569/03, Supreme Court of the State of New York,

County of New York: IAS Part 56.

5. Attached to this declaration as Exhibit D is a true copy of a printout of the “status table” regarding the Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, listing signatory states of said convention and reflecting the fact that the Republic of Congo is not a signatory.

6. Attached to this declaration as Exhibit E is a true copy of the printout of a “status table” regarding the Convention of 1 March 1954 on Civil Procedure, listing signatory states of said convention and also reflecting the fact that the Republic of Congo is not a signatory.

7. I downloaded Exhibits D and E on October 14, 2005 from the website of the Hague Conference of Private International Law, [www.hcch.net](http://www.hcch.net).

8. Attached to this declaration as Exhibit F are true copies of the convention on cooperation in judicial matters between the French Republic and the People’s Republic of the Congo, signed on January 1, 1974 and of Decree 82-140 of February 3, 1982 regarding publication of agreements of cooperation between the French Republic and the People’s Republic of the Congo. The former People’s Republic of the Congo is now known as the Republic of the Congo.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York, October 17, 2005



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Jascha D. Preuss